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APR 02 2002

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

(COMPLETE IF KNOWN)

Application Number	09/955,472
Filing Date	9/17/01
Group Art Unit	To be assigned
Examiner	To be assigned

Attorney Docket Number	3882/11A
First Named Inventor	To

This declaration is (*check one*):
 submitted with initial filing;
 submitted after initial filing;
 a supplemental declaration.

This application is of the following type:
 utility;
 design;
 national stage of PCT;
 divisional, continuation or continuation-in-part.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD AND APPARATUS FOR DETERMINING AND RESOLVING
MISSING TOPOLOGY FEATURES OF A NETWORK FOR IMPROVED
TOPOLOGY ACCURACY**

the specification of which: (*check one*)

is attached hereto; or
 was filed on September 17, 2001 as U.S. Application Serial No. 09/955,472 and is/was amended on _____ (*if applicable*);
 was described and claimed in PCT International Application No. _____, filed on _____ and was amended under PCT Article 19 on _____ (*if applicable*).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby identify below, and where indicated claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's

Page 1 of 3

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certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (*if any*):

Foreign/PCT Application Number	Country	Filing Date (MM/DD/YYYY)	Priority Claimed	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below (*if any*):

Provisional Application No.	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S./PCT Parent Application No.	Filing Date	Status (<i>Patented, Pending, or Abandoned</i>)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As a named inventor, I hereby appoint the following attorney(s) or agent(s) with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**Seth H. Ostrow, Reg. No. 37,410
 Leslie Restaino, Reg. No. 38,893
 Ralph F. Hoppin, Reg. No. 38,494
 Silvana Merlino, Reg. No. 44,237
 Brooke W. Quist, Reg. No. 45,030**

**Frank J. DeRosa, Reg. No. 26,543
 Pamela G. Maher, Reg. No. 40,712
 Matthew J. Marquardt, Reg. No. 40,997
 Frederick Yu, Reg. No. 45,251
 James W. Woods, Reg. No. 47,184**

Direct all correspondence to:

Brown Raysman Millstein Felder & Steiner LLP

900 Third Avenue

New York, New York 10022

Direct all telephone calls to: **(212) 895-2000**

Full Name of Sole or First Inventor	Hing Wing TO		
Inventor's Signature	<i>Hing Wing</i>	Date	<i>21 December 2001</i>
Residence	London, England	Citizenship	Great Britain
Post Office Address	Ground Floor Flat, 5 Fairholme Road, London, W14 9JZ, England		

Full Name of Second Joint Inventor	Christopher APPLETON		
Inventor's Signature			
Residence	Kent, England	Citizenship	Great Britain
Post Office Address	63 Forest Road, Slade Green, Erith, Kent, DA8 2NU, England		

(check one) Sheets containing additional joint inventors are, are not attached hereto.

CIPR
APR 02 2002

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

(COMPLETE IF KNOWN)

Application Number	09/955,472	Attorney Docket Number	3882/11A
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the specification of which: *(check one)*

- is attached hereto; or
- was filed on September 17, 2001 as U.S. Application Serial No. 09/955,472 and is/was amended on _____ (*if applicable*);
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certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (*if any*):

Foreign/PCT Application Number	Country	Filing Date (MM/DD/YYYY)	Priority Claimed	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below (*if any*):

Provisional Application No.	Filing Date

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U.S./PCT Parent Application No.	Filing Date	Status (<i>Patented, Pending, or Abandoned</i>)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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 Ralph F. Hoppin, Reg. No. 38,494
 Silvana Merlino, Reg. No. 44,237
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Direct all correspondence to:

Brown Raysman Millstein Felder & Steiner LLP
 900 Third Avenue
 New York, New York 10022

Direct all telephone calls to: (212) 895-2000

Full Name of Sole or First Inventor	Hing Wing TO		
Inventor's Signature		Date	
Residence	London, England	Citizenship	Great Britain
Post Office Address	Ground Floor Flat, 5 Fairholme Road, London, W14 9JZ, England		

Full Name of Second Joint Inventor	Christopher APPLETON		
Inventor's Signature	<i>C. Appleton</i>	Date	21 - DEC - 2001
Residence	Kent, England	Citizenship	Great Britain
Post Office Address	63 Forest Road, Slade Green, Erith, Kent, DA8 2NU, England		

(check one) Sheets containing additional joint inventors are, are not attached hereto.

3882/11A

RECORDATION FORM COVER SHEET PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Hing Wing TO
Christopher APPLETON

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____ | |

Execution Date: December 21, 2001

2. Name and address of receiving party(ies):

Name: Micromuse Ltd.
Address: 90 Putney Bridge Road
London SW18 1DA, England

APR 02 2002

City: _____ State: _____ ZIP: _____

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s)

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s):
09/955,472

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Check enclosed

Authorized to be charged to deposit account

8. Deposit account number: 02-4270

(Attach duplicate copy of this page by deposit account)

Please charge any additional fees required, or credit any overpayment, to the above deposit account

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Seth H. Ostrow, Reg. No. 37,410

Name of Person Signing

Signature

January

Date

9

Total number of pages including cover sheet, attachments and document: 4

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks

Box Assignments
Washington, D.C. 20231

Date: January Q 2002
Applicant: TD et al.
Serial No.: 09/953,472
Filed: September 17, 2001
Title: METHOD AND APPARATUS FOR DETERMINING AND RESOLVING
MISSING TOPOLOGY FEATURES OF A NETWORK FOR IMPROVED
TOPOLOGY ACCURACY

Box Assignments
Commissioner for Patents
Washington, DC 20231

To the individual receiving this correspondence, please check the contents
enclosed herewith and verify that the following items were enclosed by date
stamping and placing this post card in the outgoing mail. Thank you.

- Recordation Form Cover Sheet - Patent
- Executed Assignment
- Check \$40.00

OIPR
APR 02 2002

3882/11A

ASSIGNMENT

WHEREAS, we, Hing Wing TO, a citizen of the United Kingdom, residing at Ground Floor Flat, 5 Fairholme Road, London, W14 9JZ, England, and Christopher APPLETON, a citizen of the United Kingdom, residing at 63 Forest Road, Slade Green, Erith, Kent, DA8 2NU, England have invented one or more inventions (hereinafter referred to as "said invention(s)") disclosed in an application for Letters Patent of the United States titled METHOD AND APPARATUS FOR DETERMINING AND RESOLVING MISSING TOPOLOGY FEATURES OF A NETWORK FOR IMPROVED TOPOLOGY ACCURACY (hereinafter referred to as "said application"), said application having been filed on September 17, 2001, and assigned application Serial No. 09/955,472.

WHEREAS, Micromuse Ltd. (hereinafter together with its successors and assigns referred to as "Assignee"), a British corporation, having a place of business at 90 Putney Bridge Road, London SW18 1DA, England, is desirous of obtaining all right, title and interest in, to and under the Assigned Patent Application and the Invention; and

NOW, THEREFORE, for good and valuable considerations, the receipt and sufficiency of which Assignor does hereby acknowledge, Assignor has sold, assigned, transferred and set over, and by these presents hereby sells, assigns, transfers and sets over to the Assignee all right, title and interest in, to and under said Inventions and the Assigned Patent Applications, including the right to apply for any Letters Patent of the United States of America and in any and all foreign countries on the Assigned Patent Applications, and any and all other applications for Letters Patent on Assigned Patent Applications, in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part and convention applications based in whole or in part upon the Assigned Patent Applications or upon the Inventions, and any all Letters Patent which may issue thereon in the United States and foreign countries, and any and all reissues, extensions, renewals, divisions, continuations or continuations-in-part of Letters Patent granted for the Assigned Patent Applications or upon the Inventions, to the full term or terms for which said Letters Patent may be issued, and every priority right that is or may be predicated upon or arise from the Assigned Patent Applications and said Letters Patent, the same to be held and enjoyed by the Assignee for its own use and benefit fully and entirely as if the same would have been held and enjoyed by Assignor had this Assignment not been made. Assignor authorizes Assignee to file patent applications in any and all countries on any or all of the Assigned Patent Applications in its name, or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

Assignor authorizes the Commissioner of Patents and Trademarks of the United States, and any official of any other country empowered to issue patents, to record this Assignment, and to issue or transfer all said Letters Patent on the Assigned Patent Applications to Assignee as owner of all right, title and interest therein, or otherwise as the Assignee may direct, in accordance with the terms of this Assignment.

Assignor represents and warrants that Assignor has the full right to convey the entire right and interest herein assigned, that there are no rights or interests outstanding inconsistent with the rights and interests granted herein, and that Assignor will not execute any

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instrument or grant or transfer any rights or interests inconsistent with the rights and interests granted herein.

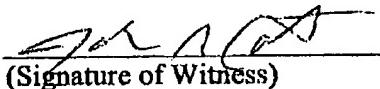
Assignor hereby covenants and agrees that Assignor will, upon request of Assignee, communicate to Assignee any facts known to Assignor relating to the Assigned Patent Applications, the Inventions, and the history thereof, and generally do all acts which may be deemed necessary by Assignee to obtain and enforce proper patent protection for the Assigned Patent Applications and the Inventions in all countries.

IN TESTIMONY WHEREOF, we have executed this document on the date indicated below.

Date: 21 December 2001


(Signature) Hing Wing TO

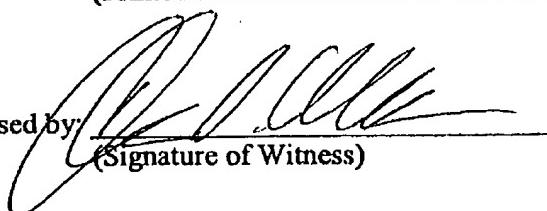
Witnessed by:


(Signature of Witness)

7/1/02
Date

191 Westbourne Grove, London, W11 2SB
(Printed name and address of Witness)

Witnessed by:

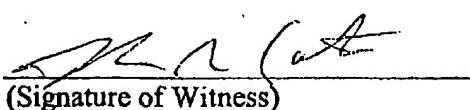

(Signature of Witness)

4-7-02
Date

Alan Williams 1921 Via Vinedy, San Antonio, TX 78258
(Printed name and address of Witness)

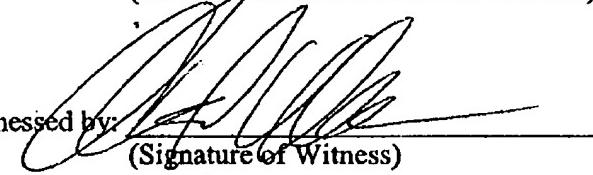
Date: 21 - DEC - 2001
(Signature) Christopher APPLETON

Witnessed by:


(Signature of Witness)7/1/02
Date191 Westbourne Grove, London, W11 25B

(Printed name and address of Witness)

Witnessed by:


(Signature of Witness)7/1/02
DateAlan Williams 1921 Via Vineda, San Antonio, TX 7825

(Printed name and address of Witness)